

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATALIE CONWAY and SEAN CONWAY,

Civil Action No.:

Plaintiffs,

-against-

NOTICE OF REMOVAL

ALICE LEWIS, JUDGE W. LEWIS, SWIFT
TRANSPORTATION and ANDREW H. PETERS,

Defendants-Petitioners.
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TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants-Petitioners, SWIFT TRANSPORTATION and ANDREW H. PETERS file
this notice to remove the foregoing case to the United States District Court for the Southern
District of New York, New York division, and respectfully show this Court:

1. A civil action was commenced in the Supreme Court of Bronx County, State of
New York, in which the above-named individuals, NATALIE CONWAY and SEAN CONWAY
are the plaintiffs and the petitioners are defendants SWIFT TRANSPORTATION and
ANDREW H. PETERS. The action is entitled Natalie Conway and Sean Conway v. Alice
Lewis, Judge W. Lewis, Swift Transportation and Andrew H. Peters and bears Index Number
18334/07.

2. This is a civil action seeking damages arising out of a motor vehicle accident
allegedly caused by the defendants' negligence. The plaintiffs both allege personal injuries. The
addendum demands an amount which exceeds the jurisdictional limits of all lower Courts.
Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs,
of \$75,000.

3. This action involves a controversy between citizens of the State of New York, a foreign corporation of the State of Arizona, a citizen of the State of Arizona, a citizen of the State of Pennsylvania and a citizen of the State of Alabama in that: (a) the plaintiffs Natalie Conway and Sean Conway are now, and were at the time said action was commenced, residents and domiciliaries of the State of New York, (b) petitioner Swift Transportation was at the time of the accident and remains an Arizona corporation with its principal place of business in that State, (c) petitioner Andrew H. Peters was at the time of the accident and remains a resident and domiciliary of the State of Arizona, (d) defendant Alice Lewis was at the time of the accident and remains a resident and domiciliary of the State of Pennsylvania and (e) defendant Judge W. Lewis was at the time of the accident and remains a resident and domiciliary of the State of Alabama

4. The above action was commenced against defendants-petitioners on or after January 1, 2007.

5. No proceedings have occurred in the state court action, and the defendants have not yet appeared in that action.

6. Said action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity of citizenship between the plaintiffs Natalie Conway and Sean Conway and the defendants.

7. Defendants Swift Transportation and Andrew H. Peters are the petitioners for the removal of this case to this Court.

8. This motion is filed within twenty (20) days after receipt by petitioners Swift Transportation and Andrew H. Peters of the summons and complaint commanding them to appear and to file a written answer to the plaintiffs' complaint.

9. Written filing of this motion will be given to the plaintiffs promptly after the filing of this motion, as is required by law.

10. A true and correct copy of this motion will be filed with the Clerk of the Supreme Court of Bronx County, State of New York promptly after the filing of this motion, as is required by law.

11. Attached to this motion, and by reference made a part hereof, are true and correct copies of all process, pleadings and orders filed in the aforesaid action.

12. By filing this Notice of Removal, petitioners do not waive any defense which may be available to them, specifically including, but not limited to, their right to contest in personam jurisdiction over the petitioners, improper service of process upon the petitioners, and the absence of venue in this Court or in the court from which the action has been removed.

WHEREFORE, petitioners pray that this action proceed in this Court as an action properly removed thereto.

Dated: New York, New York
September 11, 2007

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:

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